

### III. REMARKS

1. Claims 38-44, 46-52, 92-94 and 96-98 are pending.
2. Applicants respectfully submit that claims 38-44, 46-52, 92-94 and 96-98 are patentable over the combination of Ali et al. (US 2003/0197679, "Ali") and Swerup et al. (US 2002/0177464, "Swerup") under 35 USC 103(a).

It is noted that the exemplary embodiments of the Applicant's invention relate to a device comprising a display and first and second keys that are associated with the display. The keys are fixedly positioned adjacent the display of the device. The display is configured to display "information content" with a first orientation. Control content, indicating the function of the key for example, is displayed adjacent the first and second keys, with first control content being adjacent the first key and second control content being adjacent the second key. Applicant's device is configured to change the orientation of the information content and to interchange the first control content and the second control content and also the first function and the second function such that the first key has the second function and the second key has the first function. The position of the keys relative to the display does not change. The Applicant would like to direct the Examiner to, for non-limiting exemplary purposes only, e.g. Figs 5A-C of the present application and their related text as illustrating the above features.

The above-noted features of the exemplary embodiments are clearly recited in Applicant's claims. For example, claim 38 recites a processor, for controlling the display, configured to vary, in the display, the first orientation of the information content to a second orientation, to interchange the first function and the second function in response to the change of orientation of the information content such that the display is configured to interchange, in the display, the first control content and the second control content, such that the second input key has the first function and the first control content is displayed in the second portion of the display adjacent the second input key, and such that the first input key has the second function and the second control content is displayed in the first portion of the display adjacent the first input key. The combination of Ali and Swerup fails to disclose or suggest these features.

Ali discloses a device comprising a display and a keypad 750 which includes soft keys 870 and fixed keys 880. The fixed keys 880 each have a fixed function. The soft keys 870 each have a

function that is programmable and indicated by one of the soft key icons located next to the soft keys 870 (paragraph [0068 of Ali]).

Paragraph [0070] of Ali indicates that a display mode function is provided which “rotates the display 740 through all four orthogonal orientations, including portrait mode (Fig. 8B) and landscape mode (Fig. 8C), with each press of the corresponding key”. Ali does not, however, provide an illustration of the display 740 in each of the four orthogonal orientations. Ali only provides illustrations of two of the orientations in Figs. 8B and 8C. It can be seen from Fig. 8B and 8C that when the display 740 is rotated from portrait mode (Fig. 8B) to landscape mode (Fig. 8C), the soft key icons 820 are also rotated, but remain fixed in position next to their respective keys.

The Examiner admits that Ali does not disclose or suggest to interchange, in the display, the first control content and the second control content, such that the second input key has the first function and the first control content is displayed in the second portion of the display adjacent the second input key, and such that the first input key has the second function and the second control content is displayed in the first portion of the display adjacent the first input key. However, the Examiner argues that this is due to the figures of Ali only showing the display of Ali in two of the four orthogonal rotation positions and in his arguments makes particular reference to fig. 8B of Ali. It is submitted that the Examiner is improperly reading (based on nothing more than hindsight) features into Ali that are clearly not disclosed therein in an effort to maintain the rejection.

Fig. 8B of Ali shows the display of the device in a portrait position with the soft key icons displayed in the lower portion of the display adjacent the soft keys of the device. The soft key icons indicate the function of the soft keys ([0068] of Ali). In fig. 8B of Ali the first two soft key icons from the left are an arrow pointing downwards and an arrow pointing upwards respectively.

The Examiner argues that if the device of Ali were rotated 180 degrees each of the two arrows would be indicating one direction, but the adjacent button would have the opposite effect to that shown by the soft key icon, due to the rotation of the device. The Examiner argues that it would be obvious to interchange the control content, the functions of the buttons or a combination thereof.

It is respectfully submitted that the Examiner's reasoning is misguided. For example, referring again to the 'up and down' arrows of Ali, in fig. 8B these arrows are parallel with the long sides of the display and point towards the short sides of the display. In fig. 8C of Ali the display is now in a landscape position as it has been rotated by 90 degrees. As discussed above, in fig 8C, the soft key icons remain positioned adjacent the same keys as in fig 8B. Accordingly there is no interchanging of control content shown in Fig. 8B. Furthermore, in 8C the 'up and down arrows' are now parallel to the short sides of the display and are pointing towards the long sides. That is, in fig 8C, the arrows have been rotated such that they still indicate the correct function of their buttons despite the rotation of the display. Ali therefore discloses that the soft key icons are merely rotated (as is further evidenced by the rotation of the text "menu" shown in Figs. 8B and 8C) such that they indicate the correct function of the adjacent button regardless of the orientation of the device.

It is respectfully submitted that if the display of fig. 8B of Ali were rotated by 180 degrees, as suggested by the Examiner, the 'up and down arrows' (and the text such as the word "menu" shown in Figs. 8B and 8C) would merely rotate adjacent their respective buttons such that the function of the button remains the same. Accordingly, the problem alleged by the Examiner (i.e. the buttons performing opposite functions) when rotating the display of fig. 8B of Ali by 180 degrees would simply not occur. If the device of Ali functioned as alleged by the Examiner, the "up and down arrows" in fig. 8C would remain parallel to the long sides of the display, as in fig. 8B, and would be pointing left and right. This is clearly not the case.

Accordingly there is absolutely no disclosure in Ali of the interchange of first and second control content. Furthermore, as described above Ali clearly discloses that the soft key icons are rotated such that they still indicate the function of their adjacent button regardless of the orientation of the device. Ali therefore teaches that the soft keys should retain the same function in every orientation of the device.

The Examiner is also reminded that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The fact that Ali teaches that the soft keys should retain the same function in every orientation of the device is directly contrary to proposed combination of Ali and Swerup. For example, Swerup discloses a keypad having a plurality of mechanical keys (Para.

0024) where in response to an event such as when a certain key has been pressed, when certain modes or applications of the mobile communication device have been activated the values or function of the keys may occur (Para. 0033). Ali specifically teaches away from reassigning the functions of the keys as is evidenced by the mere rotation of the arrows (and the text such as the word "menu") adjacent the respective keys. Thus, one skilled in the art would not combine the teaching of Ali with the teachings of Swerup.

Even if Ali and Swerup were combined their combination still would not disclose or suggest what is claimed in Applicant's claim 38 as Swerup also does not disclose or suggest to interchange, in the display, the first control content and the second control content, such that the second input key has the first function and the first control content is displayed in the second portion of the display adjacent the second input key, and such that the first input key has the second function and the second control content is displayed in the first portion of the display adjacent the first input key as recited in Applicant's claim 38. The Examiner points to paragraphs [0027], [0028] and [0037] of Swerup as disclosing this feature, however it is submitted that the Examiner is choosing bits and pieces of Swerup to apply in the rejection while ignoring the remainder of the reference. The Examiner is again reminded that the reference must be considered in its entirety.

While Swerup discloses reassigning a function of a key Swerup merely discloses the use of templates or tactile features to indicate the changed function. For example, paragraph [0031] of Swerup recites "instead of a graphical layout or template, the values or function to be represented by the keys 112 when the cover lid 108 is in the open position may be indicated in the form of tactile indicators 402 such as bumps or raised portions on the surface of the keys." An example of this is shown in Fig. 7 of Swerup where three raised bumps are located adjacent the number 7 on the key to indicate the key represents the number 3 when the mobile communication device 400 is operating in the computing and networking mode (i.e. when the cover lid 108 is open) (Para. 0031). Paragraph [0030] of Swerup discloses that the graphical layout or template may be a printed pattern on the inner face of the cover lid 108. Thus, in Swerup every function associated with a particular key is shown at all times (albeit in a different orientation to allow the user to read the function when the orientation of device is turned). There is simply no disclosure in Swerup to interchange, in the display, the first control content and the second control content, such that the second input key has the first function and the first control content is displayed in the second portion of the display adjacent the second input key, and

such that the first input key has the second function and the second control content is displayed in the first portion of the display adjacent the first input key. Again all that is disclosed in Swerup is printing a template (indicating the function of the key) on the inner face of the cover lid 8 or including tactile features on the keys themselves.

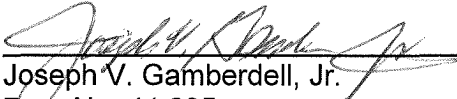
Thus, because neither Ali nor Swerup disclose to interchange, in the display, the first control content and the second control content, such that the second input key has the first function and the first control content is displayed in the second portion of the display adjacent the second input key, and such that the first input key has the second function and the second control content is displayed in the first portion of the display adjacent the first input key as recited in Applicant's claim 38 their combination cannot as well.

Therefore, claim 38 is patentable over the combination of Ali and Swerup. Claims 50 and 92 are patentable over the combination of Ali and Swerup for reasons that are substantially similar to those described above with respect to claim 38. Claims 39-44, 16-49, 51, 52, 93, 94 and 96-98 depend from claims 38, 50 and 92 and are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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19 March 2010  
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